



JRS Malta
Annual Report
2008

accompany | serve | defend

Executive Summary

The Jesuit Refugee Service (JRS) is an international organisation set up by the Jesuits in 1980 to serve, accompany and advocate for refugees and other forcibly displaced persons. At present it operates in more than 50 countries worldwide, while in Europe there are JRS offices in more than 20 countries.

JRS Malta was set up in January 1993, as a response to the growing number of Iraqi and Bosnian refugees who were then seeking protection in Malta. The significant increase in the number of migrant boat people reaching on our shores in 2002 and the subsequent setting up of large scale detention centres led JRS Malta to focus its services mainly within detention centres, a policy which has been adhered to in the past few years. JRS Malta is the only NGO offering professional legal and social work services inside detention. Other organisations, notably the Church's *Kummissjoni Emigranti*, which does incomparable work with migrants once they leave detention, and *Médecins Sans Frontières*, which provides medical services in detention and in open centres, offer migrants much needed support.

Among the thousands of people crossing the Mediterranean Sea to seek refuge in the EU in 2008, 2,775 persons arrived in Malta. Almost all applied for asylum. Not only was this for Malta the largest number ever; it was also the longest 'season', with migrants continuing to make the sea crossing even in treacherous weather conditions in the last months of the year. Given that all such migrants are detained on arrival in terms of the Immigration Act, by the end of the year all detention centres were very overcrowded and conditions had deteriorated. Although such migratory movements are termed 'mixed flows', given that the people concerned may cite different reasons for their forced migration, from war and widespread violence to extreme human rights violations and dehumanising poverty, the high percentage of such migrants who were given international protection in either Malta or Italy led a UNHCR official to describe the south-north crossing of the central Mediterranean Sea as an 'asylum route'.

For African migrant boat people who reach the island, the immediate consequence, however, is detention. JRS Malta maintains a critical stance on Malta's detention policy, which was reflected in a number of public statements. JRS Malta finds the unquestioned use of detention as the common way of migration management very regrettable and has continued to voice its disagreement with the authorities about the matter. In particular, the length and the conditions of detention inflict much unnecessary hardship on people who have already been through much adversity in their countries of origin and in the countries of transit prior to the dangerous sea crossing which brought them to Malta.

In the detention centres, JRS Malta provides legal, social work and pastoral services. Our staff give detainees legal information about their rights, as well as about the asylum procedure. More in-depth legal assistance is given to vulnerable cases with the aim of obtaining an earlier release. According to present policy, vulnerable people are not detained. The synergy between our legal staff and our social worker and nurse is vital to ensure that vulnerable persons are released from detention in the shortest possible time. Both our legal team as well as our social worker work closely with OIWAS, the government entity responsible for the integration and welfare of welfare asylum seekers and migrants.

Faithful to the original inspiration of JRS, we attach great importance to the pastoral accompaniment of detainees through the presence in detention centres of a small number of Jesuit priests who celebrate Mass on Sundays with Christians in the different detention centres.

1. Office and Staff

In 2008, JRS maintained a staff complement of seven full-time and five-part time members of staff, in addition to a full-time nurse seconded from public service to work with JRS Malta.

In the first quarter, a new lawyer joined the JRS Malta as a junior lawyer. Our social worker returned to the team after completing her Master's degree in International and Refugee Social Work in the UK, while our part-time legal case worker left us in order due to family commitments.

Half way throughout the year, JRS Malta Director Fr Paul Pace was appointed Provincial of the Maltese Jesuits while Fr Pierre Grech Marguerat, who had over the years become synonymous with JRS, received a new mission within the Jesuit order. Fr Pierre had served as Director (1996-2005) and subsequently as Assistant Director. In the fourth quarter, Fr Joseph Cassar returned to JRS as the new Director after an absence of 12 years. The Jesuit component of the team grew with the arrival of another Jesuit for a one-year term of service as part of his formation programme.

Staff development is considered vital, not only to ensure the level of service that JRS seeks to give but also for the benefit of staff who generally have to work under intense pressure. In May, four members of staff participated in a seminar for detention visitors organised by JRS Europe. In October, eight members of staff participated in a seminar on EU Directives Regulating the Treatment of Asylum Seekers. Later that month, five other members of staff took part in a training session on management by discernment and teamwork organised by JRS Europe.

2. Projects

2.1 Legal Assistance

Legal assistance is a linchpin of JRS Malta's activity. This is one main area where we realise that the need is greatest and that we can be of better service. Many asylum seekers spend months – up to one year or even 18 months in administrative detention in tough and trying conditions. Detainees often have little or no information about their situation and other basic services which they are entitled to.

Our effort is aimed at strengthening the protection provided at present to asylum seekers in Malta. Vulnerable detainees are a special interest group for us because once identified as such, they can be speedily released from detention.

Another concern of ours in this area is that as far as possible all personnel providing care and/or other services to asylum seekers during the reception phase are adequately trained to carry out their task.

2.1.1 Direct service provision

JRS staff are present in the two largest detention centres at Hal Far and Safi on a regular basis, usually on weekly or fortnightly in each of the smaller units. They provide information, legal assistance and social work services to asylum seekers as soon as possible after their arrival in Malta, and to identify vulnerable detainees.

2.1.1.1 Direct provision of information on regular basis in two largest centres

By the end of 2008, the centres were holding approximately 1,000 detainees each, the vast majority of whom had applied for refugee status. During their visits to the centres, JRS personnel provide general information about refugee status determination (RSD) procedures and immigration matters. It is impossible to give the exact number of detainees to whom JRS provided generic information, but we can safely say we came into contact with most of the detainees.

2.1.1.2 Follow up of requests from 1300+ individuals

In the course of their visits to detention centres JRS staff members also receive requests for information about particular, more specific, issues from individual detainees.

These requests are followed up with the authorities concerned, usually the Office of the Refugee Commissioner, the Refugee Appeals Board, the Police or the Detention Service, and, wherever possible detainees are provided with a reply on subsequent visits to the centre.

Typically, requests can vary from information from the immigration authorities about an individual's release from detention (after 12 months in the case of asylum seekers or 18 months in the case of those whose application is rejected); copies of documents confiscated by the immigration police on arrival in Malta to be presented in the asylum procedures; assistance with obtaining documents from friends and family abroad; information from the authorities responsible for RSD about the status of an asylum seeker's application.

During 2008 JRS followed up one or more requests for information from over 1300 individuals or groups of detainees.

2.1.1.3. In-depth casework

JRS also provides more in-depth service in a number of cases, selected on the basis of pre-established criteria. JRS gives priority is given to asylum seekers in detention, vulnerable asylum seekers, including survivors of SGBV, and asylum seekers with a protection-based claim.

As part of this project, JRS personnel provide primarily legal assistance and information within the context of procedures for the determination of applications for refugee status; assistance to rejected asylum seekers who need protection from forced repatriation, if there is good reason to believe that they would face a serious violation of their human rights if they were to be returned to their country; assistance to vulnerable asylum seekers to enable them to access the protection they require, including release from detention.

These cases normally mean a considerable amount of work, and involve research besides various meetings, so that they can take up at least 10 hours of work and often involve far more, up to 50 or 60 hours in some cases.

Some 63 new in-depth cases were taken on during the year.

2.1.1.4 Publication of informational materials for asylum seekers

JRS published an updated version of its 36-page information booklet with a self-explanatory title, *Asylum in Malta: What you should know. Guide to the asylum procedure for immigrants in detention*. The new publication could only appear following the transposition of the

Qualification Directive into Maltese Law. In an improvement over the first edition, the new edition is available in Tigrinya and Somali in addition to the previous languages, namely English and French.

2.2 Training and capacity-building

Part of our effort is directed at enhancing the protection of asylum seekers through the provision of better training opportunities for personnel involved in the reception of asylum seekers, primarily Detention Service personnel. Throughout 2008, JRS conducted a professional development course entitled *Working with Immigrants and Asylum Seekers in Detention*. This training programme was organised together with UNHCR and the Malta Red Cross Society, as part of a programme co-financed by the European Refugee Fund and Fondation Assistance Internationale, a Swiss based private foundation.

2.2.1 Refugee Law Study Unit

JRS Malta is involved in the organisation and implementation of the Refugee Law study unit at the Faculty of Law at the University of Malta. This course is being offered as two separate study units: one a taught unit focusing on Refugee Law and another, more practical, unit focusing on advocacy skills, where students will have the opportunity to assist an asylum seeker with his/her asylum claim under the supervision of a tutor/mentor.

At the end of 2008, 55 were attending students attended the Refugee Law study unit in the first semester of the academic year 2008-2009.

2.2.2 Training for NGO personnel and professionals

Throughout the year JRS conducted a training seminar on Sexual and Gender-Based Violence among the Immigrant Population, a two-and-a-half day training seminar on the EU Directives Regulating the Treatment of Asylum Seekers, and a half-day workshop on Basic Principles of Refugee Protection.

2.3 Advocacy

Advocating for migrants' rights is part of the mission of JRS, and through this part of our work we strive to ensure that asylum seekers receive the protection to which they are entitled in terms of the European Directive on the Reception of Asylum Seekers, human rights law and related legislation through lobbying at the local and European level.

2.3.1 Recording of government policy and practice in the area of detention

All members of staff record information regarding conditions in detention, changes in government policy and practice, and any other incidents worthy of note, obtained in the course of their work. This is then passed on to the coordinating member of staff, who keeps the information for use for advocacy purposes.

2.3.2 SGBV Report

In May 2008, JRS Malta published a report entitled *Try to Understand*, which documents the outcomes and lessons learnt from a project implemented by JRS and partly funded by UNHCR.

Using the information obtained in drawing up this report and other information obtained through outreach work in detention and in the community, JRS lobbied for improvement in the following areas:

- conditions of detention, particularly for women to reduce the risk of SGBV
- policy on the detention of asylum seekers
- administration of discipline in detention centres
- access to territory

2.3.3 Strategic Litigation

JRS is currently working on four court cases challenging the lawfulness of asylum seekers' detention in terms of Article 5 of the ECHR. The asylum seekers concerned are also claiming that the conditions in which they are/were detained violate their fundamental human rights in terms of Article 3 of the ECHR. We are also working on two cases of judicial review of the procedures before the Refugee Appeals Board.

2.3.4 Media/Conferences/Talks/Lectures:

The issues of major concern to JRS were also raised at a number of national and international meetings/conferences. Among these were:

- Keynote speech and workshop presentation at a conference on sexual and gender-based violence among the immigrant population, organised by the University of Ghent, entitled "Hidden Violence is a Silent Rape", held in Ghent, Belgium.
- Presentation on "Migration and Asylum: situation in Malta and problems encountered", at training seminar for the Maltese judiciary held in Malta
- Presentation on "Initiating a service for female immigrants suffering from trauma" at a Conference organised by COST
- Presentation entitled "Open port or fortress Europe" and panel presentation entitled "Xenophobia is not a European value; Human rights should be", at the First European Hospitality Tribunal organised by ICORN in Stavanger, Norway
- Presentation entitled 'Try to understand' at Conference organised by International Association of Counsellors in Malta
- Presentation on "Asylum and detention issues in Europe- based on the work and experience of JRS", as part of a seminar entitled: "Advocacy within the Ignatian institutions and experiences of advocacy in different parts of the world" in Comillas University, Madrid.

JRS staff also gave interviews to various national and international media regarding these issues.

2.4 Awareness-Raising

2.4.1 School Outreach Programme

Through its School Outreach Programme, JRS visited a number of schools that requested our service. The collaboration of the Department of Education in this regard is gratefully

acknowledged. More than 30 secondary and post-secondary schools were visited by our team, with the participation of guest speakers who are themselves beneficiaries of international protection.

The method used placed emphasis on personal contact through the sharing of personal experiences by people who were forced to leave their countries. In addition to direct inputs about the local situation and on Maltese and European legislation through panel discussions and presentations, cultural activities such as food tasting, hair braiding and drum circles served to enhance the interactive element of such encounters wherever possible.

JRS Malta acknowledges the participation of the Malta office of UNHCR as well as of local NGOs *Graffiti* and *Third World Group* in such events.

2.5 Pastoral support

Throughout 2007, a small group of Jesuits and some dedicated volunteers guaranteed a pastoral presence among the Christian migrants, mostly by celebrating mass on Sundays and by a summer programme of catechesis. The high point of this effort was the holding of nine different masses on Christmas Eve and Christmas Day, in a way that covered all the Christians in the various detention centres. On Christmas Day and at Easter, through the kind and generous support of a private firm, JRS was able to distribute confectionery items to every person held in detention.

3. Distinguished visitors

JRS Malta was privileged to receive a number of distinguished visitors who came to our office to learn more about the situation of asylum seekers and migrant boat people reaching Malta. In particular, we were honoured by the visit of Her Excellency Dr Caroline Gudenus, Ambassador of Austria, and His Excellency M. Daniel Rondeau, Ambassador of France.

4. Gieħ ir-Repubblika

On 13 December, Republic Day, Dr Katrine Camilleri, JRS Malta Assistant Director and Head of the Legal Team, was appointed Member of the Order of Merit *Gieħ ir-Repubblika*, one of the highest recognitions of the State, in acknowledgement of her dedication to defending the rights of asylum seekers.

Financial Statements

Income

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| ERF 10 NMS Detention Conditions Project | 21714 |
| ERF 2008 Strengthening Protection Project | 38728 |
| UNHCR Refugee Empowerment as an integration tool project | 19983 |
| FAI income | 25000 |
| UNHCR SGBV Project | 27792 |
| Other EU Project Funding | 15084 |
| Other Project Funding | 107791 |
| Voluntary Donations | 35980 |
| Interest | 1020 |
| Total Income | €293092 |

Expenditure

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| Audit fee | 826 |
| Bank charges | 984 |
| Depreciation | 1012 |
| Social Work expenses (excluding services) | 7137 |
| Hospital expenses | 1830 |
| Legal and professional fees | 3033 |
| Project fees | 54411 |
| Publications | 19436 |
| Repairs and maintenance | 1507 |
| Salaries | 166564 |
| Stationery and postage | 3682 |
| Telecommunications | 7977 |
| Training | 11289 |
| Transport and motor expenses | 1604 |
| Travelling and accommodation | 4873 |
| Total Expenditure | €286165 |

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| ERF | European Refugee Fund |
| 10 NMS | Detention Conditions in the 10 New Member States project |
| FAI | Fondation Assistance Internationale |
| SGBV | Sexual and Gender Based Violence project |
| UNHCR | United Nations High Commissioner for Refugees |



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Jesuit Refugee Service (JRS) Malta Foundation is a registered voluntary organisation: VO/0064

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| Bank name | HSBC Bank Malta plc |
| Address | 1, Naxxar Road, Birkirkara BKR 9049 |
| Bank agency | 233, Republic Street, Valletta |
| Swift Code | MMEBMTMT |
| IBAN Code | MT45MMEB44163000000016116055050 |
| Beneficiary | Jesuit Refugee Service |
| Account number | 016116055050 |